

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**ACHATES REFERENCE PUBLISHING,
INC.,**

Plaintiff,

vs.

**SYMANTEC CORPORATION;
GLOBALSCAPE INC.; COMMON TIME
INC.; COMMON TIME LTD.; NATIVE
INSTRUMENTS GMBH (FORMERLY
KNOWN AS NATIVE INSTRUMENTS
SOFTWARE SYNTHESIS GMBH);
NATIVE INSTRUMENTS NORTH
AMERICA, INC.; STARDOCK SYSTEMS
INC.; VALVE LLC; ELECTRONIC ARTS,
INC.; NERO AG; NERO INC.;
QUICKOFFICE, INC.; SOLARWINDS
INC. and APPLE, INC.**

Defendants.

Civil Action No. 2:11-cv-00294 (JRG-RSP)

JURY TRIAL DEMANDED

**DEFENDANT APPLE, INC.'S RESPONSE TO ACHATES REFERENCE PUBLISHING
INC.'S MOTION TO STAY PENDING *INTER PARTES* REVIEW [DKT. NO. 371]**

Defendant Apple, Inc. ("Apple") submits this response pursuant to the Court's April 5, 2013 Order [Dkt. No. 375].

Apple hereby stipulates that, if the Court stays this action until the issuance by the PTO of an appealable decision in the inter partes review ("IPR") proceedings Apple has requested, as of the issuance of such appealable decision, Apple will not contest in this action the validity of any claim determined by the PTO to be patentable on any ground that Apple raised or could have raised in the IPR proceedings. Apple reserves its right to appeal any adverse decision in the IPR proceedings.

Accordingly, Apple respectfully asks the Court to grant Plaintiff's motion to stay. Apple agrees with Plaintiff that a relatively short stay pending the issuance by the PTO of an appealable decision would avoid the risk and costs associated with further litigation and trial concerning claims which may be invalidated or amended in the IPR.

Dated: April 5, 2013

Respectfully submitted,

By: /s/ Douglas E. Lumish
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Counsel for Defendant APPLE INC.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 5th day of April, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Douglas E. Lumish
Douglas E. Lumish